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CitiMortgage, Inc., improperly pled as
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MICHAEL and LYNN OGBIN Individually
and as a class representative on behalf of
others similarly situated,

Plaintiffs,

v.

CITIFINANCIAL MORTGAGE
COMPANY, INC. f/k/a Ford Consumer
Finance Company, Inc.

Defendants.

Civil Action No. 09-00023-NLH-JS

NOTICE OF MOTION TO DISMISS

Document Electronically Filed

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* Admitted in Virginia only; not admitted in the District of Columbia. Practicing under the supervision of firm principals.

COUNSEL:

PLEASE TAKE NOTICE that the undersigned counsel for defendant CitiMortgage, Inc., improperly pled as CitiFinancial Mortgage Co., Inc. ("CitiMortgage") shall move before the Honorable Noel L. Hillman, United States District Judge for the District of New Jersey, Mitchell H. Cohen U.S. Courthouse, 1 John F. Gerry Plaza, Camden, New Jersey on **May 4, 2009 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, for an Order pursuant to Rules 9 and 12 of the Federal Rule of Civil Procedure, dismissing plaintiffs' complaint in its entirety.

PLEASE TAKE FURTHER NOTICE that in support of its application, CitiMortgage shall rely upon its Brief in Support of its Motion to Dismiss the Complaint, Declaration of Marc C. Singer and Exhibits attached thereto and proposed form of Order and Certificate of Service submitted herewith.

SAIBER LLC
Attorneys for Defendant
CitiMortgage Inc., improperly pled as
CitiFinancial Mortgage Company, Inc.

/s/ Marc C. Singer
Marc C. Singer

Dated: April 6, 2009